

15A Am. Jur. 2d Clerks of Court § 50

American Jurisprudence, Second Edition | May 2021 Update

Clerks of Court

Lonnie E. Griffith, Jr., J.D.

V. Powers and Duties

C. Particular Powers and Duties

2. Custody and Care of Records

§ 50. Generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Clerks of Courts](#) 69

Trial Strategy

[Locating Public Records, 2 Am. Jur. Trials 409](#) §§ 12 to 15 (records of county clerk)

The clerk of court is the custodian of court records,¹ with the duty or function to make and keep an accurate record² and docket³ of the proceedings in the court,⁴ the court's orders and judgments,⁵ all documents submitted to the clerk,⁶ records used in appeals,⁷ and all documents used by the court in its decision-making capacity.⁸

A clerk of court does not have independent ownership of court records,⁹ and has a ministerial duty to permit the inspection and copying of the court's records in civil cases.¹⁰

© 2021 Thomson Reuters. 33-34B © 2021 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

Footnotes

¹ [Lapeer County Clerk v. Lapeer Circuit Court](#), 469 Mich. 146, 665 N.W.2d 452 (2003); [State v. McCraine](#), 214 W. Va. 188, 588 S.E.2d 177 (2003).

² [In re Strickhausen](#), 994 S.W.2d 936 (Tex. App. Houston 1st Dist. 1999).

Clerk is responsible for maintaining traffic files for the judge or magistrate. [Speight v. Presley, 2008 OK 99, 203 P.3d 173 \(Okla. 2008\)](#).

Clerk must maintain an accurate record of the date of filing. [Laidlaw Energy and Environmental, Inc. v. Town of Ellicottville, 60 A.D.3d 1284, 875 N.Y.S.2d 668 \(4th Dep't 2009\)](#).

3 Stewart v. Kentucky Lottery Corp., 986 S.W.2d 918 (Ky. Ct. App. 1998) (electronic computerized "case history" or docket sheet).

4 Copley Press, Inc. v. Superior Court, 6 Cal. App. 4th 106, 7 Cal. Rptr. 2d 841 (4th Dist. 1992).

5 State ex rel. Core v. Merrifield, 202 W. Va. 100, 502 S.E.2d 197 (1998).

6 Sullivan v. Eighth Judicial Dist. Court In and For County of Clark, 111 Nev. 1367, 904 P.2d 1039 (1995).

7 In re Strickhausen, 994 S.W.2d 936 (Tex. App. Houston 1st Dist. 1999).

8 In re Search Warrant #5077/91, 96 Ohio App. 3d 737, 645 N.E.2d 1304 (10th Dist. Franklin County 1994).

9 Lapeer County Clerk v. Lapeer Circuit Court, 469 Mich. 146, 665 N.W.2d 452 (2003).

10 Lapeer County Clerk v. Lapeer Circuit Court, 469 Mich. 146, 665 N.W.2d 452 (2003).

Clerk acted in judicial capacity when making court records available to the public. [Rieger v. Montgomery Cty. Clerk of Courts, 2009-Ohio-426, 2009 WL 242668 \(Ohio Ct. App. 2d Dist. Montgomery County 2009\)](#).

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

15A Am. Jur. 2d Clerks of Court § 51

American Jurisprudence, Second Edition | May 2021 Update

Clerks of Court

Lonnie E. Griffith, Jr., J.D.

V. Powers and Duties

C. Particular Powers and Duties

2. Custody and Care of Records

§ 51. Searching and certifying records

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Clerks of Courts](#) 69

Forms

Forms relating to authentication of documents, generally, see Am. Jur. Pleading and Practice Forms—Clerks of Court
[Westlaw®: Search Query]

Forms relating to certificate of clerk authenticating documents, generally, see Am. Jur. Legal Forms 2d—Clerks of Court
[Westlaw® Search Query]

It is the duty of a clerk of a court to attest and certify the records of the court,¹ but the clerk's certificate is not evidence of any fact beyond that which the law requires the clerk to certify.² A clerk is not required to certify an instrument that does not conform to the records in his or her office.³

A court clerk may be under a statutory duty to make searches and certify the results.⁴

© 2021 Thomson Reuters. 33-34B © 2021 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

Footnotes

1 Lewandowski v. Office of Court Admin., 173 Misc. 2d 335, 660 N.Y.S.2d 959 (Sup 1997); Petticord v.
2 Joyce, 516 Pa. 35, 531 A.2d 1383 (1987).
3 Farmers State Bank of Riverton v. Investors Guaranty Corp., 48 Wyo. 319, 45 P.2d 1057 (1935).
4 Touchton v. Echols County, 211 Ga. 85, 84 S.E.2d 81 (1954).
 Petticord v. Joyce, 516 Pa. 35, 531 A.2d 1383 (1987).

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government
Works.